

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

MAY 30 2019

United States of America
v.
Guadalupe GARCIA YOB:1975
COB: United States

David J. Bradley, Clerk

Case No. M-19-1235-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2019 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841
21 USC 846
21 USC 952

Offense Description

defendant did, knowingly and intentionally possess with the intent to distribute approximately 13.1 kilograms of methamphetamine, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute with persons known and unknown approximately 13.1 kilograms of methamphetamine, a Schedule II controlled substance.

This criminal complaint is based on these facts:

See "Attachment A".

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: May 30, 2019 4:27 amCity and state: McAllen, Texas

Complainant's signature

Rafael Garza Jr, HSI SA

Printed name and title

Judge's signature

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

Attachment A

Before the United States Magistrate Judge, Southern District of Texas, I, Rafael Garza Jr, Special Agent, United States Immigration and Customs Enforcement, Homeland Security Investigations, being duly sworn, depose and say the following:

On May 29, 2019, United States Customs and Border Protection (CBP) requested assistance from Department of Homeland Security Investigations (HSI) from the office of the Resident Agent in Charge, Falcon Heights, Texas regarding a narcotics smuggling attempt. HSI Special Agent (SA) Rafael Garza Jr. responded to the Rio Grande City, Texas Port of Entry (POE) to investigate.

Customs and Border Protection Officers (CBPOs) reported that on May 29, 2019 at approximately 10:07 AM, subject Guadalupe GARCIA (driver), a Citizen of United States, applied for admission into the United States at the Rio Grande City, Texas Port of Entry in a 2008 Mercury Mariner (hereinafter as Vehicle 1) bearing Texas license plate number KBV-1631. GARCIA was accompanied by her niece Marissa SAENZ (YOB 2001), a United States Citizen. GARCIA stated to the CBPO in primary that she had taken a vehicle to Mexico to get it fixed and she was bringing a friend's vehicle back to the United States. CBPO in primary inspected the vehicle trunk and noticed fingerprints and tampering. CBPO obtained a negative oral declaration for narcotics, firearms, and currency in excess of \$10,000 from both GARCIA and SAENZ. CBPOs referred GARCIA and her vehicle to secondary for further inspection.

While at secondary, a CBPO tapped the passenger side rear quarter panel and noticed the panel sounded solid. The CBPO went on to inspect the rear of Vehicle 1 and removed the panels. Upon removing the panel on the driver side, a package wrapped in cellophane wrap was observed. Vehicle 1 was taken to the import lot for Vacis X-Ray inspection where it showed some anomalies in the rear quarter panels. A canine inspection yielded a positive alert to the presence of the trained odor of narcotics in the rear cargo area and the rear quarter panels. A total of 21 bundles, which all field tested positive for methamphetamines, were extracted out of the rear quarter panels of Vehicle 1. All 21 bundles weigh in at approximately 13.1 kilograms.

GARCIA was read her Miranda Rights in the English language by HSI SA Rafael Garza Jr. which she understood and waived her right to having an attorney present during questioning. During questioning, GARCIA stated that a male subject that she knows only as "LA RATA" had called her the previous night and asked her if she would be able to take a vehicle from Camargo, Tamaulipas to Rio Grande City, Texas to get some mechanical repairs. GARCIA stated "LA RATA" would pay her \$200 USD to bring the vehicle over to the United States. GARCIA told SA's that she knew that "LA RATA" is an undocumented immigrant who has been deported to Mexico by U.S. Border Patrol and smuggles undocumented immigrants into the United States thru the Rio Grande River.

GARCIA stated she crossed into Mexico at approximately 8:30 AM on May 29, 2019 with her niece (SAENZ) and met "LA RATA" at a store in Camargo, Tamaulipas. GARCIA stated that "LA RATA" told her that "IF" she would cross over to the United States, GARCIA was to call him to make arrangements so that the auto mechanic would pick up the vehicle. GARCIA stated she thought it was unusual that "La RATA" would not tell her the name of the mechanic and

asked him if the vehicle had something illegal in it. "LA RATA" responded that the vehicle had nothing illegal in it. At that point, GARCIA stated she noticed that "LA RATA" looked over his shoulder inside vehicle 1 in a strange way. GARCIA stated she felt that "LA RATA" seemed nervous. GARCIA stated she thought it was unusual that "La RATA" kept on asking her numerous times if she was going to cross the vehicle over to the United States. GARCIA also stated she thought it was unusual when "LA RATA" told her to call him "IF" she would cross over to the United States in order for him (LA RATA) to give her the auto mechanic information. GARCIA stated she asked "LA RATA" if the vehicle had nothing in it, why was he saying "If you cross". GARCIA stated she was given \$200 USD by "LA RATA" in Camargo, Tamaulipas when he gave her the vehicle.

The AUSA's Office accepted federal prosecution of Guadalupe GARCIA for violations of Title 21 USC 841, 846, and 952 and she was arrested by HSI. GARCIA was transported to the Starr County Jail to await her initial appearance before the United States Magistrate Judge in McAllen, Texas.